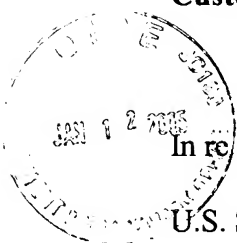


IFU

DOCKET NO.: 2003.07.012.WT0  
Customer No.: 23990

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : SUDHINDRA P. HERLE ET AL.  
U.S. Serial No. : 10/600,056  
Filed : June 20, 2003  
For : APPARATUS AND METHOD FOR PERFORMING A FAIL-SAFE  
OVER-THE-AIR SOFTWARE UPDATE IN A MOBILE STATION  
Group No. : 2186  
Examiner : Not Yet Assigned

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

The undersigned hereby certifies that the following documents:

1. Postcard receipt;
2. Information Disclosure Statement;
3. Form PTO/SB/08A;
4. Copy of European Search Report in connection with European Application No. 04 01 4403; and
5. Two (2) references

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 8, 2005.

Date: Jan. 8, 2005

Kathy Hamilton  
Mailér

Date: 7 Jan. 2005

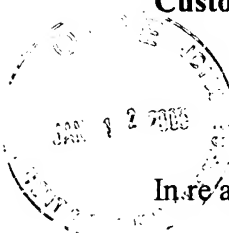
John T. Mockler  
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**DOCKET NO.: 2003.07.012.WT0**  
**Customer No.: 23990**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



In re application of : Sudhindra P. Herle et al.  
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Art Unit : 2186  
Examiner : Not Yet Assigned

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. § 1.56, Applicant submits this statement. This submittal is made in accordance with 37 C.F.R. §§ 1.97 and 1.98 and § 609 of the Manual of Patent Examining Procedure. The patents and patent publication herein are listed below and on the attached Form PTO/SB/08A. These references were located during the European Search Report issued in the related European Patent Application No. 04 01 4403, a copy of which is attached hereto. Copies of the listed foreign references are submitted herewith.

<u>U.S. Patent No.</u>	<u>Inventor</u>	<u>Date</u>
4,517,663	Imazeki et al.	May 14, 1985
5,701,492	Wadsworth et al.	December 23, 1997
2001/0051519 A1	Shirai	December 13, 2001

<u>Foreign Patent No.</u>	<u>Country</u>	<u>Date</u>
EP 1 052 571 A2	Europe	November 15, 2000
EP 1 241 571 A2	Europe	September 18, 2002

Applicant hereby expressly reserves the right to swear behind the effective dates of any of the above Patents and to question the relevance and materiality of the Patents and Publications listed herein, in whole, in part, or in combination, subsequent to filing this Information Disclosure Statement.

In accordance with 37 C.F.R. 1.97(e), the undersigned certifies that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

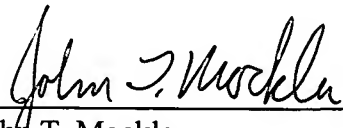
Further, pursuant to 37 C.F.R. § 1.97(e) and the above statements, no fee is believed to be due for the filing of this Information Disclosure Statement.

DOCKET NO.: 2003.07.012.WT0  
SERIAL NO.: 10/600,056  
PATENT

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 7 January 2005

  
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Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**(Use as many sheets as necessary)**

Sheet	1
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of 1

**Complete if Known**

Application Number	10/600,056
Filing Date	June 20, 2003
First Named Inventor	Sudhindra P. Herle
Art Unit	2186
Examiner Name	Not Yet Assigned
Attorney Docket Number	2003.07.012.WT0

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> *Number <sup>4</sup> *Kind Code <sup>5</sup> (if known)				
	AD	EP 1 052 571 A2	11/15/2000	ECI Telecom Ltd.		
	AE	EP 1 241 571 A2	09/18/2002	General Instrument Corp.		

**Examiner  
Signature**

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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